BUCKET FILE GETY ORIGINAL

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON DC 20554

	Received & Inspected
In the matter of) JUN 1 6 2008
Request for Waiver by	FCC Mail Room
Konocti Unified School District)
Federal-State Joint Board on Universal Service) CC Docket No. 96-45
Schools and Libraries Universal Service Support Mechanism) CC Docket No. 02-06)

REQUEST FOR WAIVER

Funding year 2005 (7/1/2005 to 6/30/2006)

Billed Entity Name: Konocti Unified School District (KUSD)

Billed Entity No.: 144454

Form 471 Application No.: 452861

Funding Request Number(s): 1286192, 1286194

I. <u>Introduction and Background</u>

Konocti Unified School District (KUSD) respectfully requests a waiver of the rule that states "if USAC has disbursed funds on the Funding Request Number (FRN) that features that worksheet, the entities listed in the worksheet can not regain a year"¹. See Federal-State Joint Board on Universal Service, Report and Order, CC Docket No. 96-45, Universal Service Order, 12 FCC Rcd at 9077-78 (rel. May 7, 1997). Good cause exists to waive the rule, and waiver of the rule would serve the public interest better than strict adherence to the rule.

Furthermore, if our Request for Waiver is approved, we request that full funding be reinstated in 2007 for Application 580758, FRN 1608599. This FRN was reduced from \$367,873.22 to \$321,255.98. The reason given on the Funding Commitment Decision Letter was "The FRN has been modified to remove entities Pomo Elementary that violate the 2-in-5 Rule for IC"².

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¹See attached Administrator's Decision on Appeal – Funding Year 2005-2006 – App 452861 (Exhibit 1) ²See attached Year 2007 Funding Commitment Decision Letter – App 580758 (Exhibit 2)

KUSD is an eligible applicant for discounts under the Universal Service Support Mechanism for Schools and Libraries, commonly referred to as the "E-rate program." KUSD was approved for discounts for Funding Year 2005, on their Form 471 application number 4528613. These FRNs represent requests for Internal Connections at all of the schools in this district except Pomo Elementary School. Due to a clerical error, Pomo Elementary School (Entity # 110901) was included on the Form 471, Block 4 by mistake. No services were bid for Pomo Elementary School, no contracts were awarded that included Pomo Elementary School, and no invoices were paid by USAC or the Applicant for Pomo Elementary School. In 2006 KUSD applied for Internal Connections for Pomo School and was funded. In 2007, KUSD applied for additional Internal Connections funding at Pomo Elementary School and during the Program Integrity Assurance review process KUSD was notified that they could not receive Erate funding for Pomo Elementary School because Pomo Elementary School had already been approved for funding in 2005 and 2006 which meant that USAC's Two-Out-Of Five rule was broken. Once this was brought to our attention, we immediately sent in an Entity Removal Request on 9/10/2007 to remove Pomo Elementary School from our 2005 Application #4528614.

On May 2, 2008 we received an Administrator's Decision on Appeal – Funding Year 2005-2006 denying our 2005 Entity Removal Request¹. The reason given was "Pomo Elementary School was listed on these Funding Year 2005 FRNs 1286192 and 1286194 and USAC has processed invoices for FRNs 1286192 and 1286194, Pomo Elementary School is considered to have used Funding Year 2005 under the Two-in-Five Rule. Therefore, Pomo Elementary School cannot be removed from Worksheet 645461 for FRNs 1286192 and 1286194. On appeal, you have failed to provide evidence that USAC erred in its initial decision. Consequently your appeal is denied".

This is a small school district with limited financial resources. Three years ago KUSD passed a local bond election with provided the necessary matching funds to start modernizing and adding space to each of their school sites and started working with architects to design and ultimately put out to bid work at each of the district's school sites. Along with the design work we hired architects to do, we also designed and put out to bid new voice and data cabling and new LAN electronics and telephone systems at each of our sites. 2005 was the first year we put out to bid Erate Internal Connections projects. Originally all schools in the district were going to receive services in 2005. After the 2005 Form 470 was filed and the projects were put out to bid, our architect advised that the

³See attached Funding Year 2005 Form 471 - App 452861 (Exhibit 3)

⁴See attached Year 2005 Entity Removal Request dated 9/10/2007 (Exhibit 4)

design work for Pomo Elementary School was going to be delayed for one year. We immediately put out an addendum to our bid documents and notified all bidders to not bid on any services at Pomo Elementary School. The subsequent bids included work at all sites except Pomo Elementary School.

Due to a clerical error, for this one Form 471, we inadvertently included Pomo Elementary School on Worksheet 645461 for FRNs 1286192 and 1286194. Six Form 471's were filed in 2005 and we copied the same worksheet for all six Form 471's. Three of other Form 471s included Priority One services including services for Pomo Elementary School which were correct. We caught the error on another 471 Application 486299 but missed it on Application 452861. Another Form 471 we cancelled during the 2005 PIA review process. Attached is a copy of our Service Provider's contracts and our Bid Recap (Board Reports) for these FRNs⁵. As shown on the attached contracts and Bid Recap documents, no work or funding was requested for Internal Connections projects at Pomo Elementary School in 2005.

At no time during the 2005 PIA review process did the PIA reviewers pick up that we had Item 21 attachments for each school with the exception of Pomo Elementary School. All Form 471, Item 21 attachments clearly identified the names of the sites where cabling and equipment was being installed. No Item 21 attachments were sent in that included Pomo Elementary School.

It was planned during 2006 and 2007 to do Internal Connections work at Pomo Elementary School. We ultimately bid out and got Erate funding in 2006. In 2007 we bid out and requested funding as well at Pomo Elementary School for Internal Connections projects. See Form 471 Application 5807586. During the 2007 PIA review process, this was the first time that the error was discovered that Pomo Elementary School was incorrectly added to the 2005 Form 471 Worksheet 645461.

During the 2007 PIA review process, the PIA reviewer advised our office we could not get Erate funding for Pomo Elementary School in 2007 because of the 2-in-5 Rule since Internal Connections funding was approved for Pomo Elementary School in 2005 and 2006. We immediately sent in a 2005 Entity Removal Request to remove Pomo Elementary School from our 2005 Internal Connections Form 471.

⁵See attached Year 2005 FRNs 1286192 & 1286194 Contracts and Board Reports (Exhibit 5)

⁶See attached Year 2007 Form 471 - App 580758 (Exhibit 6)

II. <u>Legal Standard</u>

A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *affirmed WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied* 409 U.S. 1027 (1972). In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest that strict adherence to the general rule. *See Northeast Cellular*, 897 F.2d at 1166.

III. Discussion

A. Clerical Error

The mistake happened because of a clerical error. At no time after the Form 471 was filed did KUSD staff or PIA reviewers catch the error during the 2005 PIA review process. It was not discovered until the Year 2007 PIA review process started. The 2005 we supplied very detailed Item 21 attachments with our Form 471. Each Item 21 equipment list clearly identified the name of the school where the equipment was installed. No Item 21 attachment sheets were sent in for Pomo Elementary School.

B. <u>Proper procedures were followed to remove the entity from the</u> 2005 funding

Once the error was caught, we immediately sent in an Entity Removal Request to take Pomo Elementary School off of the Form 471 Application 452861 Worksheet 6454614.

When USAC denied KUSD's Entity Removal request, we immediately filed an appeal with USAC on January 8, 2008⁷.

C. No work was done at Pomo Elementary School or Erate monies paid out to Service Providers for work done at Pomo Elementary School regarding FRNs 1286192 and 1286194

⁴See attached Year 2005 Entity Removal Request dated 9/10/2007 (Exhibit 4)

⁷See attached Year 2005 Letter of Appeal – App 542861 (Exhibit 7)

When bids were received for FRNs 1286194 and 1286194, Pomo Elementary School was not included in these bids for Internal Connections. When contracts were sent to our Service providers, Pomo Elementary School was not included in these contracts.

D. Because of the 2005 clerical error the 2007 funding was reduced for 471 Application 580758, FRN 1608599

For FRN 1608599 the funding was reduced from \$367,873.22 to \$321,255.98 taking Pomo Elementary School out of the 2007 application⁸. Work was done at this site and KUSD has had the bear one hundred percent of the cost at Pomo Elementary School. Unfortunately, prior to filing the Form 471 and requesting the Erate funding in 2007, KUSD signed a contract with our Service provider which included Pomo Elementary School. Since we were not aware at the time we filed the 2007 Form 471 that USAC was going to find the 2005 clerical error during the 2007 PIA review, we had no way of knowing that this 2005 clerical error problem existed. Necessary funds have to be taken away for work that has already been done and paid for by KUSD.

E. Waiver Would Better Serve the Public Interest

Given the facts and circumstances described above, waiver would better serve the public interest than strict adherence to the general rule. *See Northeast Cellular*, 897 F.2d at 1166. First, the denial of funding will inflict undue hardship on the DOE and the schools it serves. *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, ¶ 11 (rel. May 19, 2006). The Konocti Unified School District serves many poor, rural students. These FRNs cover needed and necessary data services to every classroom in the district. Denying funding at Pomo Elementary School will mean every school in the district will get these needed services with the exception of Pomo Elementary School. To repay these commitments, the KUSD will be required to use funds that otherwise would be spent in the classroom, and thus, the denial of a waiver will negatively impact the education of innocent children.

Finally, strict compliance with the rule would not further the purpose of 47 U.S.C. § 254(h). Section 254 directs the commission to "enhance . . . access to advanced telecommunications and information services for all public and non-profit elementary and secondary school classrooms, health care providers and libraries." The longevity of the E-rate program may be compromised if service providers may end up not being paid for services and equipment already

provided and thus some service providers decide not to continue to participate in the program.

IV. Prayer for Relief

For the reasons set forth above, Konocti Unified School District respectfully requests a waiver of the rule that states "if USAC has disbursed funds on the Funding Request Number (FRN) that features that worksheet, the entities listed in the worksheet can not regain a year" and also to restore funding taken away from our 2007 Application 580758, FRN 1608599.

Infinity Communications & Consulting, Inc (Infinity) is Konocti Unified School District's Erate consultant and is shown on all Erate forms as KUSD's contact person. We have been working with KUSD since 2005 and filed the Erate forms in 2005, 2006, 2007, and will be doing their upcoming 2008 Erate project as well. Infinity is acting as Konocti Unified School District's agent in regards to this matter. See attached LOA⁸.

Respectfully submitted,

Fred Brakeman RCDD CSI

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President

Infinity Communications & Consulting, Inc Konocti Unified School District Erate Consultant

Cc: Ms Laurie Altic - Konocti Unified School District

⁸See Infinity Communications & Consulting, Inc LOA (Exhibit 8)

Exhibit 1



Universal Service Administrative Company

Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2005-2006

May 02, 2008

Fred Brakeman Infinity Communications and Consulting P. O. Box 6069 Bakersfield, CA 93386

Re: Applicant Name: KONOCTI UNIF SCHOOL DISTRICT

Billed Entity Number: 144454 Form 471 Application Number: 452861

Funding Request Number(s): 1286192, 1286194 Your Correspondence Dated: January 08, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Administrator's Decision on Entity Removal Request Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1286192, 1286194

Decision on Appeal: **Denied**

Explanation:

• During the Appeal Review USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC Rules and Procedures before making its determination on your appeal. USAC has determined that the applicant listed five schools, including Pomo Elementary School BEN 110901, on Worksheet 645461 for FRNs 1286192 and 1286194. Funding was approved for FRNs 1286192 and 1286194 in a FCDL dated July 12, 2006. According to USAC's records, funds were disbursed for these Funding Year 2005 FRNs in response to the district's submittal of SLC Invoice Number 698623 (your invoice number BEAR 074) and SLC Invoice Number 744406 (your invoice number BEAR 074). As is noted on USAC's website, http://www.usac.org/sl/applicants/step06/two-out-of-five-rule.aspx, "if USAC has disbursed funds on the Funding Request Number (FRN) that features that

worksheet, the entities listed in the worksheet cannot regain a year." An example is listed on USAC's website, http://www.usac.org/sl/tools/newsbriefs/preview.aspx?id=86, "Six of the eight schools in Blue School District were listed on a single FRN for cabling services. The service provider completed the cabling at one school and invoiced USAC on a Service Provider Invoice (SPI) Form 474. USAC processed the invoice and paid the service provider. All six of the schools listed on the FRN are considered to have used a year under the Twoin-Five Rule." The Administrator's Decision on Entity Removal Request did incorrectly state that this is a Funding Year 2006 request. However, since Pomo Elementary School was listed on these Funding Year 2005 FRNs 1286192 and 1286194 and USAC has processed invoices for FRNs 1286192 and 1286194, Pomo Elementary School is considered to have used Funding Year 2005 under the Two-in-Five Rule. Therefore, Pomo Elementary School cannot be removed from Worksheet 645461 for FRNs 1286192 and 1286194. On appeal, you have failed to provide evidence that USAC erred in its initial decision. Consequently, your appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Michael Schenk

Exhibit 2



Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER (Funding Year 2007: 07/01/2007 - 06/30/2008)

January 16, 2008

Fred Brakeman and Amie Campbell KONOCTI UNIF SCHOOL DISTRICT 1800 30th Street Suite 175 Bakersfield, CA 93301

Re: Form 471 Application Number: 580758 Billed Entity Number (BEN): 144454 Billed Entity FCC RN: 0001735695 Applicant's Form Identifier: Y10-IC

Thank you for your Funding Year 2007 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$1,939,817.01 is "Approved."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements Review CIPA requirements

- File Form 486
 Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

- 1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
- 2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing: Appellant name,
 - Applicant name and service provider name, if different from appellant,
 Applicant BEN and Service Provider Identification Number (SPIN),

 - Form 471 Application Number 580758 as assigned by USAC - "Funding Commitment Decision Letter for Funding Year 2007," AND
 - The exact text or the decision that you are appealing.
- 3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence

and documentation.

- 4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
- 5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal Schools and Libraries Division - Correspondence Unit 100 South Jefferson Road P.O. Box 902 Whippany, New Jersey 07981

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division Universal Service Administrative Company

FUNDING COMMITMENT REPORT Billed Entity Name: KONOCTI UNIF SCHOOL DISTRICT BEN: 144454 Funding Year: 2007

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 580758 Funding Request Number: 1608578 Funding Status: Funded Category of Service: Internal Connections Form 470 Application Number: 372150000617213 SPIN: 143004812 SPIN: 143004812

Service Provider Name: SBC Datacomm, Inc.
Contract Number: N/A

Billing Account Number: N/A

Multiple Billing Account Numbers: N

Service Start Date: 07/01/2007

Service End Date: N/A

Contract Award Date: 02/07/2007

Contract Expiration Date: 09/30/2008

Shared Worksheet Number: 911828

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$1,555,258.37

Pre-discount Amount: \$1,555,258.37

Discount Percentage Approved by the USAC: 88%

Funding Commitment Decision: \$1,368,627.37 - FRN approved as submitted

Funding Commitment Decision: \$1,368,627.37 - FRN approved as submitted

Funding Commitment Decision Explanation: MRI: The dollars requested were reduced to remove: the ineligible products power strips listed with line item pricing.

<>><><><><><>><> MR2: The FRN was modified from \$1,562,700.6 to \$1,555,258.37 to agree with the applicant documentation. <><>><>><>><>><>><> MR3: The FRN has been modified to remove entitles Pomo Elementary that violate the 2-in-5 Rule for IC.

FCDL Date: 01/16/2008 Wave Number: 034 Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2008

FUNDING COMMITMENT REPORT Billed Entity Name: KONOCTI UNIF SCHOOL DISTRICT BEN: 144454 Funding Year: 2007

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 580758 Funding Request Number: 1608595 Funding Status: Funded

Category of Service: Internal Connections Form 470 Application Number: 372150000617213 SPIN: 143020162

SPIN: 143020162
Service Provider Name: Shoreline Communiations
Contract Number: N/A
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2007
Service End Date: N/A
Contract Award Date: 02/07/2007
Contract Expiration Date: 09/30/2008
Shared Worksheet Number: 911828
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$174,869.51
Pre-discount Amount: \$174,869.51
Discount Percentage Approved by the USAC: 88%

Discount Percentage Approved by the USAC: 88%
Funding Commitment Decision: \$153,885.17 - FRN approved as submitted
Funding Commitment Decision Explanation: The FRN has been modified to remove entities
Pomo Elementary that violate the 2-in-5 Rule for IC.

FCDL Date: 01/16/2008 Wave Number: 034

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2008

FUNDING COMMITMENT REPORT Billed Entity Name: KONOCTI UNIF SCHOOL DISTRICT BEN: 144454 Funding Year: 2007

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 580758
Funding Request Number: 1608599
Funding Status: Funded
Category of Service: Internal Connections
Form 470 Application Number: 372150000617213
SPIN: 143004812
Service Provider Name: SBC Datacomm, Inc.
Contract Number: N/A
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2007
Service End Date: N/A
Contract Expiration Date: 09/30/2008
Shared Worksheet Number: 911828
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$407,942.40
Pre-discount Amount: \$407,942.40
Discount Percentage Approved by the USAC: 88%
Funding Commitment Decision: \$358,989.31 - FRN approved; modified by SLD
Funding Commitment Decision: \$358,989.31 - FRN approved; modified by Commitment Decision: \$358,989.31 - FRN approved; modified by SLD
Funding Commitment Decision: \$358,989.31 - FRN approved; modified by Commitme

FCDL Date: 01/16/2008 Wave Number: 034

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2008

FUNDING COMMITMENT REPORT Billed Entity Name: KONOCTI UNIF SCHOOL DISTRICT BEN: 144454

Funding Year: 2007

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 580758

Funding Request Number: 1608609 Funding Status: Funded

Category of Service: Internal Connections Form 470 Application Number: 372150000617213 SPIN: 143004340

SPIN: 143004340

Service Provider Name: Dell Marketing LP
Contract Number: N/A

Billing Account Number: N/A

Multiple Billing Account Numbers: N
Service Start Date: 07/01/2007

Service End Date: N/A
Contract Award Date: 02/07/2007
Contract Expiration Date: 09/30/2008
Shared Worksheet Number: 911828
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$66,267.23
Pre-discount Amount: \$66,267.23
Discount Percentage Approved by the USAC: 88%
Funding Commitment Decision: \$58,315.16 - FRN approved as submitted
Funding Commitment Decision Explanation: The FRN has been modified to remove entities
Pomo Elementary that violate the 2-in-5 Rule for IC.

FCDL Date: 01/16/2008 Wave Number: 034

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2008

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Exhibit 3

Application ID: 452861

Do not write in this area

Entity Number <u>144454</u>	Applicant's Form Identifier Yr 8 IC			
Contact Person Michael Schenk	Phone Number <u>707 994-6475</u>			

Block 6: Certifications and Signature

- 24 X I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)
 - a schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
 - b libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.
- I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a	Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23I on all Block 5 Discount Funding Requests.)	1 1 0 1 9 4 1 . 6 4
b	Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	9 3 6 6 5 0 . 3 9
C	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	1 6 5 2 9 1 . 2 5
t	Total budgeted amount allocated to resources not eligible for E-rate support	6 2 5 0 0 . 0 0
e	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	
f	Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 25e.	

- I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):
 - a an individual technology plan for using the services requested in this application; and/or
 - b \(\sum_{\core \text{higher-level technology plan(s)} \) for using the services requested in this application; or
 - no technology plan needed; applying for basic local and long distance telephone service only.
- 27 X I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.
- 28 X I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
- I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s), or any representative or agent thereof or any consultant in connection with this request for services.
- I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.



Entity	Number	144454		···	App	licant's F	orm Ide	ntifier_Y	r 8 IC	3	-		1
	t Person	Michael Sc	henk				ne Numb	7		94-647	5		
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32 X	all document of services in	I will retain require ts necessary to de receiving schools lige that I may be a	emonstrate cor and libraries di	mpliance witi iscounts, and	h the statute I that if audit	and Comn led, I will m	nission rule ake such re	s regarding ecords avail	the app	olication for	r, receip	pt of, and	tain i delivery
33 <u>i</u>	certify that I that all of the this applicati statements of	I am authorized to am authorized to e information on ti tion have complied on this form can b nt under Title 18 c	submit this req nis form is true I with the term: e punished by	juest on beha and correct s, conditions fine or forfeit	alf of the elig to the best of and purposi ture under the	ible entity(in the property) or my knowles of the property or the property of the property or	ies) listed of ledge, that logram, that lications Ad	on this applicate the entities to the control of th	cation, that are ks were Secs.	that I have receiving paid to ar 502, 503(t	examin discour nyone a o), or fin	ned this r nts pursu and that f	request, uant to
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37 X	services tea this rule, the	t the non-discount atured on this Form e provision, by the a rebate of some	n 4/1 are net or provider of a s	of any rebate supported se	s or discour rvice, of free	its offered b services o	by the servi	ice provider.	, I ackr	wwiedge t	nat, for	the purp	ose of
38	Signature o	of authorized person	on					39 Date					- 10 - 11
40	Printed nam	ne of authorized pe	erson										
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41	Title or posit	tion of authorized	person							2770			
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047001010

Entity Number	144454	Applicant's Form Identifie	er_Yr 8 IC
Contact Person	Michael Schenk	Phone Number	707 994-6475

41 Name of authorized person's employer

Konocti Unified School Distri

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R.§ 54.504. The collection of Information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 471 P.O. Box 7026 Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms ATTN: SLD Form 471 3833 Greenway Drive Lawrence, Kansas 66046 (888) 203-8100



Schools and Libraries Universal Service Program Services Ordered and Certification Form 471 Application Display

Block 1: Billed Entity Information

Applicant's Form Identifier: Yr 8 IC

471 Application Number: 452861

Funding Year: 07/01/2005 - 06/30/2006 Billed Entity Number: 144454

Cert. Postmark Date:

Form Status: COMPLETE

DAL Date:

RAL Date:

Out of Window Letter Date:

Name: KONOCTI UNIF SCHOOL DISTRICT

Address: 9430 LAKE ST

City: LOWER LAKE State: CA Zip: 95457

Phone: 707-994-6475 Ext:

Fax: 707-994-0210

Contact Name: Michael Schenk

Address: 9430 LAKE ST

City: LOWER LAKE State: CA Zip: 95457 Contact Phone: 707-994-6475 Ext: Contact Fax: 707-994-0210 Ext:

E-mail: michaels@konoctiusd.lake.k12.ca.us

Contact Mode: EMAIL

Alternate Contact Info.: fbrakeman@infinitycomm.com District Erate Consultant or Cliff Lantz

Type of Application: SCHOOL DISTRICT

Ineligible Orgs: N

Block 2: Impact of Services Ordered on Schools

Number of students to be served: 3289

SERVICE DESCRIPTION	BEFORE ORDER	AFTER ORDER
b Telephone service: Number of classrooms with phone service	149	153
c Dial-up Internet access: Number of connections (up to 56kbps)	0	0
d Direct broadband services: Number of buildings served at the follow	wing speeds:	
Between 10 mbps and 200 mbps	64	64
e Direct connections to the Internet: Number of drops	1	1
f Number of classrooms with Internet access	149	153

Block 3: Impact of Services Ordered on Libraries

NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT

Block 4: Worksheets

Worksheet A No: 645461

Student Count: 2544

Weighted Product (Sum. Column 8): 2155.8

Shared Discount: 85%

1. School Name: BURNS VALLEY ELEMENTARY SCHOOL

2. Entity Number:

NCES: 06 20070 02398

110899

3. Rural/Urban: Rural

4. Student Count: 421

5. NSLP Students: 381 6. NSLP Students/Students: 90.498%

7. Discount: 90%

8. Weighted Product: 378.9

9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: EAST LAKE ELEMENTARY SCHOOL

2. Entity Number:

NCES: 06 20070 02400

110902

3. Rural/Urban: Rural

4. Student Count: 193

5. NSLP Students: 163 6. NSLP Students/Students: 84.455%

7. Discount: 90%

8. Weighted Product: 173.7

9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: LOWER LAKE ELEMENTARY SCHOOL

2. Entity Number:

110973

NCES: 06 20070 02403

3. Rural/Urban: Rural

4. Student Count: 547

5. NSLP Students: 386 6. NSLP Students/Students: 70.566%

7. Discount: 80%

8. Weighted Product: 437.6

9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: LOWER LAKE HIGH SCHOOL

2. Entity Number:

110974

NCES: 06 20070 02401

3. Rural/Urban: Rural

4. Student Count: 791

5. NSLP Students: 444 6. NSLP Students/Students: 56.131%

7. Discount: 80%

8. Weighted Product: 632.8

9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: POMO ELEMENTARY SCHOOL

2. Entity Number:

110901

NCES: 06 20070 10228

3. Rural/Urban: Rural

4. Student Count: 592

5. NSLP Students: 478 6. NSLP Students/Students: 80.743%

7. Discount: 90%

8. Weighted Product: 532.8

9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

Block 5: Discount Funding Request(s)

FRN: 1286192 FCDL Date:				
10. Original FRN:				
11. Category of Service: Internal Connections	12. 470 Application Number: 245700000526631			
13. SPIN: 143005814	14. Service Provider Name: Quest Media & Supplies, Inc.			
15a. Non-Contracted tariffed/Month to Month Service: 15b. Contract Number: N/A				
15c. Covered under State Master Contract:	15d. FRN from Previous Year:			
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:			
17. Allowable Contract Date: 01/19/2005	18. Contract Award Date: 02/17/2005			
a. Service Start Date: 07/01/2005 19b. Service End Date:				
20. Contract Expiration Date: 09/30/2006				
21. Attachment #: 1 22. Block 4 Worksheet No.: 645461				
3a. Monthly Charges: \$.00 23b. Ineligible monthly amt.: \$.00				
23c. Eligible monthly amt.: \$0.00 23d. Number of months of service: 12				
23e. Annual pre-discount amount for eligible rec	urring charges (23c x 23d): \$0.00			
23f. Annual non-recurring (one-time) charges: 23g. Ineligible non-recurring amt.: \$.00				
23h. Annual pre-discount amount for eligible no	n-recurring charges (23f - 23g): \$245,832.64			
23i. Total program year pre-discount amount (23	3e + 23 h): \$245,832.64			
23j. % discount (from Block 4): 85				
23k. Funding Commitment Request (23i x 23j): \$208,957.74				

FRN: 1286194 FCDL Date:				
10. Original FRN:				
11. Category of Service: Internal Connections	12. 470 Application Number: 245700000526631			
13. SPIN: 143004812	14. Service Provider Name: SBC Datacomm, Inc.			
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: N/A			
15c. Covered under State Master Contract:	15d. FRN from Previous Year:			
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:			
17. Allowable Contract Date: 01/19/2005	18. Contract Award Date: 02/17/2005			
19a. Service Start Date: 07/01/2005	19b. Service End Date:			
20. Contract Expiration Date: 09/30/2006				
21. Attachment #: 2				
3a. Monthly Charges: \$.00 23b. Ineligible monthly amt.: \$.00				
Eligible monthly amt.: \$0.00 23d. Number of months of service: 12				
23e. Annual pre-discount amount for eligible rec	curring charges (23c x 23d): \$0.00			
23f. Annual non-recurring (one-time) charges: 23g. Ineligible non-recurring amt.: \$.00				
23h. Annual pre-discount amount for eligible no	n-recurring charges (23f - 23g): \$856,109.00			
23i. Total program year pre-discount amount (2	3e + 23h): \$856,109.00			
23j. % discount (from Block 4): 85				
23k. Funding Commitment Request (23i x 23j):	\$727,692.65			

Block 6: Certifications and Signature

- 24. 🗹 I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both) a. 🗹 schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or b. 🗖 libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities 25. ☑ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s). Total funding year pre-discount amount on this Form 471 (Add the entities \$1,101,941.64 from Item 23I on all Block 5 Discount Funding Requests.) Total funding commitment request amount on this Form 471 (Add the entities \$936,650.39 from Items 23K on all Block 5 Discount Funding Requests.) Total applicant non-discount share (Subtract Item 25b from Item 25a.) \$165,291.25 Total budgeted amount allocated to resources not eligible for E-rate support \$62,500.00 Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources \$227,791.25 necessary to make effective use of the discounts. (Add Items 25c and 25d.) lacksquare Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e. 26. 🗹 I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the
- commencement of service. The plans are written at the following level(s):
- a, \square an individual technology plan for using the services requested in this application; and/or
- b. 🧭 higher-level technology plan(s) for using the services requested in this application; or
- c. 🗔 no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
- 27. ☑ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.
- 28. ☑ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

- 29. ☑ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
- 30. ☑ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- 31. I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- 32. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- 33. 1 certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
- 34. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- **35.** ✓ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
- 36. ☑ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
- 37. I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

40. Printed name of authorized person Cliff Lantz